

SENATE JOURNAL
OF THE
ONE HUNDRED THIRD GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE
ORGANIZATIONAL SESSION
TUESDAY, JANUARY 14, 2003
FIRST ORGANIZATIONAL DAY

CALL TO ORDER

The Senate of the One Hundred Third General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker Wilder in accordance with Article II, Sections 3 and 8 of the Constitution of the State of Tennessee.

PRAYER

The proceedings were opened with prayer by Mr. Don Finto, Pastor Emeritus of the Belmont Church in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Harper led the Senate in the Pledge of Allegiance to the Flag.

NATIONAL ANTHEM

Senator Graves introduced the Gallatin High School Choir who sang the National Anthem.

PERFORMANCE

Mr. Speaker Wilder recognized the Civil War Musicians who performed.

COMMUNICATION

December 19, 2002

Lt. Governor John Wilder
Suite One, Legislative Plaza
Nashville, Tennessee 37243

Dear Governor Wilder,

As you know, I have recently been elected to serve in the United States House of Representatives. This event in my life is the reason why I am resigning from the Tennessee General Assembly. My last day to serve in the capacity as State Senator will be December 31, 2002.

TUESDAY, JANUARY 14, 2003 -- 1ST ORGANIZATIONAL DAY

I have enjoyed working with the General Assembly and their staffs. Serving with you has been a privilege and an honor, and I thank you for your friendship.

If you should have any questions, please feel free to contact my office at any time.

Sincerely,
/s/ Lincoln Davis

APPOINTMENT OF SENATOR

Pursuant to the resignation of the Honorable Lincoln Davis, Senator of the 12th Senatorial District, the following communication was spread upon the Journal:

STATE OF TENNESSEE COUNTY OF FENTRESS COUNTY COMMISSION MEETING JANUARY 9, 2002

The reconvened meeting of the Fentress County Commission was called to order at 6:00 p.m. by Executive John Mullinix. Prayer by Porter Pennicuff, followed by the pledge of Allegiance. A roll call showing all Commissioners present.

The first order of business was the appointment of a State Senator, to fill the vacancy of former Senator Lincoln Davis. Executive Mullinix explained that each candidate had two minutes to make a statement to the Commission, which they all did. Candidates were: David Beaty, Cindy Carroll, Darlene Davis, June Griffin, Tom Rasco, Michael Walker.

Next Executive Mullinix asked County Attorney, Tom Coleman to explain to everyone, the procedure of the appointment. At that time, County Executive Mullinix asked the Commissioners for nominations to the office. Commissioner Leonard Bilbrey nominated Michael Walker, seconded by Commissioner Porter Pennicuff. Executive Mullinix, at that time ask if there were any more nominations, with no comment from the Commissioners. Executive Mullinix asked two more times if there were any more nominations, with no response from the Commissioners. At that time, Commissioner Michael Cross asked that all nominations cease, seconded by Commissioner Hollis Poore. On a roll call vote, were 10 for and none against. At that time Executive Mullinix asked for a roll call vote on the candidate, with all 10 voting for and none against. Executive Mullinix then declared Michael Walker as the new State Senator.

Commissioner Bob Pile then made a motion to recess the meeting, seconded by Commissioner Leonard Bilbrey. Meeting adjourned at 6:23 p.m.

/s/ John Mullinix, County Executive
/s/ Marilyn Stephens, County Clerk

OATH OF OFFICE OF SENATORS-ELECT

The following Senators-elect, found to be duly elected and qualified, stood and were administered the oath prescribed by the Constitution of the State of Tennessee and Tennessee Code Annotated, Section 3-1-105 by Mr. Speaker Wilder:

TUESDAY, JANUARY 14, 2003 -- 1ST ORGANIZATIONAL DAY

First Senatorial District -- Steve Southerland, representing Cocke, Greene, Hamblen and Unicoi Counties.

Third Senatorial District -- Rusty Crowe, representing Carter and Washington Counties.

Fifth Senatorial District -- Randy McNally, representing Anderson, Loudon, Monroe and part of Knox Counties.

Seventh Senatorial District -- Tim Burchett -- representing part of Knox County.

Ninth Senatorial District -- Jeff Miller, representing Bradley, McMinn, Meigs and Polk Counties.

Eleventh Senatorial District -- David Fowler, representing part of Hamilton County.

Twelfth Senatorial District -- Mike Walker, representing Campbell, Fentress, Morgan, Rhea, Roane and Scott Counties.

Thirteenth Senatorial District -- Bill Ketron, representing Lincoln, Marshall, Maury and part of Rutherford Counties.

Fifteenth Senatorial District -- Charlotte Burks, representing Cumberland, Putnam, Pickett, Jackson, White and Overton Counties.

Seventeenth Senatorial District -- Mae Beavers, representing Cannon, Clay, DeKalb, Macon, Smith, Trousdale and Wilson Counties.

Nineteenth Senatorial District -- Thelma Harper, representing part of Davidson County.

Twenty-first Senatorial District -- Douglas Henry, representing part of Davidson County.

Twenty-third Senatorial District -- Jim Bryson, representing part of Davidson and Williamson Counties.

Twenty-fifth Senatorial District -- Doug Jackson, representing Dickson, Giles, Hickman, Humphreys, Lawrence and Lewis Counties.

Twenty-seventh Senatorial District -- Don McLeary, representing Carrol, Gibson and Madison Counties.

Twenty-ninth Senatorial District -- John Ford, representing part of Shelby County.

Thirty-first Senatorial District -- Curtis S. Person, Jr., representing part of Shelby County.

Thirty-third Senatorial District -- Roscoe Dixon, representing part of Shelby County.

ROLL CALL

Whereupon, the Senate having been duly convened, the roll call was taken with the following results:

Present 33

TUESDAY, JANUARY 14, 2003 -- 1ST ORGANIZATIONAL DAY

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

ADOPTION OF TEMPORARY RULES

Senator Kyle moved that the Permanent Rules of the Senate of the One Hundred Second General Assembly as modified, so that there are eleven members on the Committee on Finance, Ways and Means, be made the Temporary Rules of the Senate of the One Hundred Third General Assembly, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

ELECTION OF SPEAKER

Mr. Speaker Wilder announced that the first order of business was the election of a Speaker and stated that nominations for the position were in order.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

Senator Crutchfield placed in nomination the name of Senator Wilder, of Fayette County, representing the 26th Senatorial District.

Senator Atchley seconded the nomination of Senator Wilder.

Senator Walker seconded the nomination of Senator Wilder.

Senator Cooper moved that the nominations cease and that the Clerk be directed to call the roll, which motion prevailed.

The roll call was taken with the following results:

For Senator Wilder	32
Present, not voting	1

Senators voting for Senator Wilder were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker and Williams--32.

Senator present and not voting was: Mr. Speaker Wilder--1.

TUESDAY, JANUARY 14, 2003 -- 1ST ORGANIZATIONAL DAY

Mr. Speaker Pro Tempore Person declared that Senator Wilder, having received a majority of the votes cast, was duly, legally and constitutionally elected Speaker of the Senate and Lieutenant Governor of the One Hundred Third General Assembly of the State of Tennessee.

APPOINTMENT OF SELECT COMMITTEE

Mr. Speaker Pro Tempore Person appointed a committee composed of Senators Williams, Clabough, McNally, Harper, Kurita and McCleary to escort Mr. Speaker Wilder to the Chair.

Mr. Speaker Wilder made remarks.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

APPOINTMENT OF OFFICIALS

The Speaker announced the appointment of Mr. Russell Humphrey of Williamson County, Chief Clerk; Mr. Alan Whittington of Davidson County, Assistant Chief Clerk; Mr. Patrick Merkel of Davidson County, Chief Engrossing Clerk; and Mr. Joe Webb of Davidson County, Chief Sergeant at Arms.

OATH OF OFFICE OF OFFICIALS

The oath of office was administered to Mr. Russell Humphrey, Chief Clerk; Mr. Alan Whittington, Assistant Chief Clerk; Mr. Patrick Merkel, Chief Engrossing Clerk; and Mr. Joe Webb, Chief Sergeant at Arms by Mr. Speaker Wilder.

MOTION

Senator Crutchfield moved that a committee be appointed by the Speaker to notify the Governor that the Senate had perfected its organization and was ready for the transaction of business, which motion prevailed.

Senator Atchley moved that a committee be appointed by the Speaker to notify the House of Representatives that the Senate had perfected its organization and was ready for the transaction of business, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointment of the following committee to notify the Governor that the Senate had perfected its organization and was ready for the transaction of business: Senators Beavers, Bryson, Harper, Ketron, Jackson and McCleary. Senator Harper served as Chairperson of this committee.

The Speaker announced the appointment of the following committee to notify the House of Representatives that the Senate had perfected its organization and was ready for the transaction of business: Senators Burks, Crowe, Fowler, Herron, Kyle and Norris. Senator Norris served as Chairperson of this committee.

RECESS

Without objection, the Senate stood in recess awaiting the reports of the Select Committees.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared a quorum was present.

On motion, the roll call was dispensed with.

REPORT OF SELECT COMMITTEES

Senator Harper, Chairperson, advised the Senate that the Governor had been notified that the Senate had perfected its organization and was ready for the transaction of business.

Senator Norris, Chairperson, advised the Senate that the House of Representatives had been notified that the Senate had perfected its organization and was ready for the transaction of business.

APPOINTMENT OF SELECT COMMITTEES

Mr. Speaker Wilder appointed Senators Dixon, Chairperson; Haynes and Ramsey to the Select Committee to Canvas Returns on the Governor's Race.

Mr. Speaker Wilder appointed Senators Cooper, Chairperson; Atchley and Crutchfield to the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury.

January 14, 2003

Mr. Russell A. Humphrey
Chief Clerk of the Senate
State Capitol, Second Floor
Nashville, TN 37243

Dear Mr. Clerk:

I am hereby appointing Senators McLeary and Williams to serve on the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury in place of Senators Atchley and Crutchfield.

With kindest regard, I am

Yours truly,

/s/ John S. Wilder
Speaker of the Senate

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 1 by Senator Cohen.

Lottery -- Enacts "Tennessee Education Lottery Implementation Law". Amends TCA Title 4; Title 33; Title 38; Title 39; Title 49 and Title 68.

Senate Bill No. 2 by Senator Herron.

Highway Signs -- "George Broussard Memorial Bridge", bridge spanning Middle Fork of Obion River on State Route 43/U.S. Highway 45E between Sharon and Greenfield in Weakley County.

Senate Bill No. 3 by Senator Fowler.

Guardianship -- Removes social security number from information required to file petition to appoint conservator. Amends TCA Title 34, Chapter 3.

Senate Bill No. 4 by Senator Henry.

Naming and Designating -- Designates Tennessee Air and Space Museum, to be located on Cockrill Bend adjacent to John C. Tune Airport in Nashville, as official state aviation library and archive center. Amends TCA Title 4, Chapter 1, Part 3.

Senate Bill No. 5 by Senator Herron.

Special License Plates -- Authorizes issuance of "Drive For A Cure" new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to The Minnie Pearl Foundation to fund breast cancer research. Amends TCA Title 55, Chapter 4.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1 by Senator Henry.

Memorials, Death -- Joe E. Torrence.

Senate Joint Resolution No. 2 by Senator Jackson.

Memorials, Academic Achievement -- Parker Ramsey, State Music Composition Competition Winner.

Senate Joint Resolution No. 3 by Senator Henry.

Memorials, Congratulations -- John Furgess, Jr., election as National Junior Vice Commander-in-Chief, VFW.

MESSAGE FROM THE HOUSE

January 14, 2003

MR. SPEAKER: I am directed by the House to notify the Senate that the House has perfected its organization and is ready for the transaction of business.

BURNEY T. DURHAM,
Chief Clerk.

TUESDAY, JANUARY 14, 2003 -- 1ST ORGANIZATIONAL DAY

MESSAGE FROM THE HOUSE

January 14, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 5, 6 and 7; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Wednesday, January 15, 2003, which motion prevailed by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.